

ORDINANCE NO. 48-578

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY  
OF THE CITY OF WICHITA, KANSAS.

**SECTION 1.** That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

**Case No. ZON2009-00032**

Zone change from B Multi-family Residential ("B") to General Commercial ("GC") subject to the provisions of Protective Overlay #236 and platting one year of approval by the governing body on property described as:

Parcel 1: A tract beginning 269 feet West of the Northeast corner of the West half of the Northeast Quarter; thence South to the North line of McBride Addition; thence East to the street on the North to the North line; thence West to beginning, EXCEPT the East 184 feet of the North 210 feet and EXCEPT the North 410 feet of the East 150 feet, Section 5, Township 27 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas.

Parcel 2: Beginning 269 feet West of the Northeast corner of the West half of the Northeast Quarter; thence West to the center line of the creek; thence Southerly along said creek to a point South of the beginning; thence North 1164 feet to beginning, EXCEPT canal and EXCEPT The North 210 feet of the East 100 feet and EXCEPT McBride Addition and EXCEPT that part platted as Meadow Creek Addition, Section 5, Township 27 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas.

Parcel 3: Beginning 269 feet West of the Northeast corner of the West half of the Northeast Quarter; thence West 100 feet; thence South 210 feet; thence East 100 feet; thence North to beginning Section 5, Township 29 South, Range 1 East of the 6<sup>th</sup> P.M., Sedgwick County, Kansas; all generally located west of Broadway Avenue, and southwest of the 29th Street North and Fairview Avenue intersection.

**SUBJECT TO APPROVAL BY THE GOVERNING BODY, PLATTING WITHIN ONE YEAR OF THAT APPROVAL, AND THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #238:**

- A. No off-site or portable signs shall be permitted on the subject property. No building signs shall be permitted along the face of any building that is adjacent to any property that is zoned residential.

- B. Signs shall be in accordance with the City of Wichita sign code, with the exception that signs shall be monument-style.
- C. Light poles shall be of the same color and design and shall have cut-off fixtures which direct light away from any abutting or adjacent properties that are in a residential zoning district. Light poles shall be limited to a maximum height, including the base of the light pole, of 20 feet. Light poles shall not be located within any setbacks.
- D. Outdoor speakers and sound amplification systems shall not be permitted.
- E. No buildings shall exceed one story in height with a maximum building height of 45 feet.
- F. At the time the site is redeveloped the owner shall install and/or maintain 6-8-foot solid screening located parallel to the south, west and east property lines of the subject site, where it abuts and is adjacent to existing residential zoning.
- G. At the time the site is redeveloped landscaping shall be installed that meets the Landscape Ordinance.
- H. All driveways, parking, loading and vehicle circulation shall be paved with concrete, asphalt or asphaltic concrete.
- I. A 35-foot setback shall run parallel to the east, west and south sides of the property.
- J. The following uses shall not be permitted: group residence, limited and general, correctional placement residence, private and public recycling stations, recycling processing center, reverse vending machine, hotel – motel, kennels, recreational marine facility, night club, commercial parking, pawnshop, indoor and outdoor recreation, recreational vehicle campground, riding academy or stable, rodeo, sexually orientated business, tattooing or body piercing, tavern/drinking establishment, outdoor vehicle and equipment sales, limited and general asphalt or concrete plant, gas and/or fuel storage and sales, general manufacturing, mining or quarrying, rock crushing, solid waste incinerator, outdoor storage and vehicle storage yard.

**SECTION 2.** That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

**SECTION 3.** That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

**ADOPTED AT WICHITA, KANSAS,** December 15, 2009.

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Carl Brewer - Mayor

**ATTEST:**

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Karen Sublett, City Clerk

(SEAL)

Approved as to form:

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Gary E. Rebenstorf, City Attorney